

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

ROBERT MCKEAGE, )  
JANET MCKEAGE, )  
                    )  
Plaintiffs,       )  
                    )  
                    )  
v.                 )                  Case No. 6:12-CV-3157  
                    )  
BASS PRO SHOPS   )  
OUTDOOR WORLD, LLC, )  
                    )  
TMBC, LLC,       )  
                    )  
TRACKER MARINE RETAIL, LLC, )  
                    )  
Defendants.       )

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**MOTION FOR AN INCENTIVE AWARD TO THE CLASS REPRESENTATIVES  
ROBERT AND JANET MCKEAGE**

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COME NOW Plaintiffs Robert and Janet McKeage, by and through counsel, and hereby move the Court for a reasonable incentive award as class representatives on the following grounds:

1.       Plaintiffs Robert and Janet McKeage brought this class action on January 21, 2009 in the Circuit Court of St. Charles County, Missouri.
2.       Plaintiffs Robert and Janet McKeage have diligently prosecuted this action, first in the Circuit Court of St. Charles, Missouri; then in the Circuit Court of Greene County, Missouri; thereafter in the Missouri Court of Appeals, Western District; thereafter in the Missouri Supreme Court—see *State ex rel. McKeage v. Cordonnier*, 357 S.W.2d 597 (Mo. 2012); thereafter, in this Court following removal of this case to federal court; thereafter in the 8<sup>th</sup> Circuit on Defendants'

petition for appeal from this Court's denial of Defendants' decertification motion; and since that time, plaintiffs Robert and Janet McKeage have continued to diligently prosecute this case on behalf of the class.

3. Plaintiffs Robert and Janet McKeage have been deeply and personally involved in this case throughout this litigation, to wit:

- Plaintiffs Robert and Janet McKeage initiated this class action lawsuit in January of 2009.
- Plaintiffs Robert and Janet McKeage responded to Defendants' various interrogatories and requests for production of documents.
- Plaintiffs Robert and Janet McKeage provided sworn testimony on their video depositions taken in this case.
- Plaintiffs Robert and Janet McKeage attended oral argument of the case in the Missouri Supreme Court.
- Plaintiffs Robert and Janet McKeage traveled to and attended the parties' (unsuccessful) mediation in Dallas, Texas.
- Plaintiffs Robert and Janet McKeage met with Plaintiffs' attorneys in excess of 22 hours to discuss the facts of the case, formulate case strategy and consider the class litigation options.

4. It is clear that Plaintiffs Robert and Janet McKeage have taken extraordinary measures to protect the interests of the class, including expending an enormous amount of time and effort in this case, all of which benefitted the class in a now stipulated sum in excess of \$21.7 million dollars.

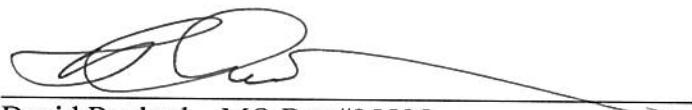
5. As a result of plaintiffs' efforts and willingness to take on defendant, Defendant also ceased charging illegal document fees to their customers.

6. Based on the foregoing, Plaintiffs Robert and Janet McKeage submit that they are entitled to a reasonable incentive award for their actions in representing and protecting the interests of the class and will rely on the Court's judgment in determining what amounts it considers to be fair and reasonable under all of the circumstances of this case.

WHEREFORE, Plaintiffs Robert and Janet McKeage pray the Court for an award of a reasonable incentive award for representing the class in this case and for such other and further relief as the Court deems just and proper in the premises.

Respectfully submitted,

**BAYLARD, BILLINGTON, DEMPSEY & JENSEN**



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**CERTIFICATE OF SERVICE**

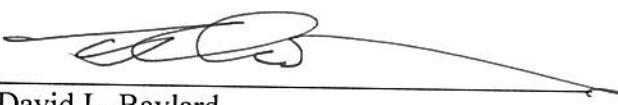
I hereby certify that a copy of the foregoing document was forwarded to attorneys of record via **ECF ONLY**, as prescribed by law, on this 23<sup>rd</sup> day of June, 2015.

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